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Human rights questions: implementation of human rights instruments

Report of the Third Committee*

Rapporteur: Mr. Juraj **Priputen** (Slovakia)

I. Introduction

1. At its 3rd plenary meeting, on 19 September 2001, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-sixth session the item entitled "Human rights questions: implementation of human rights instruments" and to allocate it to the Third Committee.

2. The Third Committee held a substantive debate on the item at its 31st and 32nd meetings, on 6 and 7 November 2001, and took action at its 41st, 45th and 47th meetings, on 15, 20 and 21 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/56/SR.31, 32, 41, 45 and 47).

3. For the documents before the Committee under this item, see A/56/583.

4. At the 31st meeting, on 6 November, the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/56/SR.31).

5. At the same meeting, the Director of the New York Office of the United Nations High Commissioner for Human Rights also made an introductory statement (see A/C.3/56/SR.31).

6. Also at the same meeting, statements were made by the representatives of Argentina and China (see A/C.3/56/SR.31).

* The report of the Committee on this item will be issued in six parts, under the symbol A/56/583 and Add.1-5.

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II. Consideration of proposals

A. Draft resolution A/C.3/56/L.34

7. At the 45th meeting, on 20 November, the representative of Denmark, on behalf of Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Brazil, Bulgaria, Cameroon, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, Eritrea, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, the Marshall Islands, Mauritius, Mexico, Monaco, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Senegal, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Venezuela, introduced a draft resolution entitled "Torture and other cruel, inhuman or degrading treatment or punishment" (A/C.3/56/L.34). Subsequently, Afghanistan, Bangladesh, Benin, Burkina Faso, the Congo, Côte d'Ivoire, Ethiopia, El Salvador, Mongolia, Mozambique, Nicaragua, Panama and Suriname joined in sponsoring the draft resolution.

8. At the same meeting, the representative of Denmark orally revised the draft resolution as follows:

(a) Operative paragraph 20, which read:

"20. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in the performance of his task, to supply all necessary information requested by him, to react appropriately and expeditiously to his urgent appeals and to give serious consideration to his requests to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to his recommendations",

was replaced by the following paragraph:

"20. *Calls upon* Governments to cooperate with and assist the Special Rapporteur in the performance of his or her task, to provide all necessary information requested by the Special Rapporteur, to respond appropriately and expeditiously to the urgent appeals of the Special Rapporteur and to give serious consideration to requests by the Special Rapporteur to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur in following up his or her recommendations";

(b) Operative paragraph 21, which read:

"21. *Approves* the methods of work employed by the Special Rapporteur, in particular with regard to urgent appeals, reiterates the need for him to be able to respond effectively to credible and reliable information that comes before him, invites him to continue to seek the views and comments of all concerned, in particular Member States, and expresses its appreciation for the discreet and independent way in which he continues to carry out his work",

was replaced by the following paragraph:

"21. *Reiterates* the need for the Special Rapporteur to be able to respond effectively, in particular to urgent appeals, to credible and reliable information that comes before him or her, and invites the Special Rapporteur to continue to seek the views and comments of all concerned, in particular Member States".

9. At the 47th meeting, on 21 November, the Secretary of the Committee read a statement by the Controller concerning the draft resolution (see A/C.3/56/SR.47).

10. At the same meeting, statements were made by the representatives of China, the United States of America and Benin (A/C.3/56/SR.47).

11. Also at the same meeting, the Committee adopted draft resolution A/C.3/56/L.34, as orally revised, without a vote (see para. 24, draft resolution I).

12. After the adoption of the draft resolution, a statement was made by the representative of Japan (see A/C.3/56/SR.47).

B. Draft resolution A/C.3/56/L.36

13. At the 41st meeting, on 15 November, the representative of Sweden, on behalf of Argentina, Belgium, Brazil, Canada, Chile, Costa Rica, Denmark, Finland, France, Germany, Hungary, Ireland, Italy, Liechtenstein, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Spain and Sweden, introduced a draft resolution entitled "International Covenants on Human Rights" (A/C.3/56/L.36). Subsequently, Afghanistan, Australia, Austria, Belgium, Benin, Bulgaria, Croatia, Cyprus, Ecuador, El Salvador, Georgia, Greece, Iceland, Latvia, Lithuania, Luxembourg, Malta, the Republic of Moldova, New Zealand, Panama, San Marino, Slovenia, South Africa, the former Yugoslav Republic of Macedonia, Ukraine and Venezuela joined in sponsoring the draft resolution.

14. At the 47th meeting, on 21 November, the Secretary of the Committee read a statement in connection with the draft resolution (see A/C.3/56/SR.47).

15. At the same meeting, the representative of Sweden orally revised operative paragraph 9 of the draft resolution by replacing the word "*Welcomes*" by the words "*Takes note with appreciation of*".

16. Also at the same meeting, the Committee adopted draft resolution A/C.3/56/L.36, as orally revised, without a vote (see para. 24, draft resolution II).

C. Draft resolution A/C.3/56/L.37

17. At the 41st meeting, on 15 November, the representative of Mexico, on behalf of Argentina, Azerbaijan, Bangladesh, Bolivia, Burkina Faso, Colombia, Cuba, Ecuador, Egypt, El Salvador, Guatemala, Haiti, Mexico, Nicaragua, Peru, the Philippines, Portugal, Senegal, Tunisia and Uruguay, introduced a draft resolution entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families" (A/C.3/56/L.37). Subsequently, the Democratic Republic of the Congo, Ethiopia, Mauritius, Morocco, Mozambique, Nigeria, Paraguay, Sierra Leone, Suriname and Turkey joined in sponsoring the draft resolution.

18. At its 47th meeting, on 21 November, the Committee adopted draft resolution A/C.3/56/L.37 without a vote (see para. 24, draft resolution III).

19. After the adoption of the draft resolution, the representative of Mexico made a statement (see A/C.3/56/SR.47).

D. Draft resolution A/C.3/56/L.38

20. At the 41st meeting, on 15 November, the representative of Cuba, on behalf of Algeria, Angola, Bangladesh, Benin, Cameroon, China, the Comoros, the Congo, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, the Dominican Republic, Eritrea, Ethiopia, the Islamic Republic of Iran, Iraq, Kenya, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Mali, Mauritania, Namibia, Qatar, the Russian Federation, Rwanda, South Africa, the Sudan, Swaziland, the Syrian Arab Republic, Togo, the United Republic of Tanzania, Viet Nam and Zimbabwe, introduced a draft resolution entitled "Equitable geographical distribution of the membership of the human rights treaty bodies" (A/C.3/56/L.38). Subsequently, Afghanistan, Belarus, Cambodia, Côte d'Ivoire, Croatia, India, Indonesia, Lesotho, Mozambique, Nepal, Nigeria, Sierra Leone, Sri Lanka, Suriname and Zambia joined in sponsoring the draft resolution.

21. At its 47th meeting, on 21 November, the Committee adopted draft resolution A/C.3/56/L.38 by a recorded vote of 97 to 44, with 5 abstentions (see para. 24, draft resolution IV). The voting was as follows:[1]

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Cambodia, Cameroon, Cape Verde, Chad, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Georgia, Ghana, Guatemala, Guinea, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Paraguay, Peru, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Andorra, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania,

[1] The representative of Bolivia subsequently indicated that, had her delegation been present during the vote, it would have voted in favour.

San Marino, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia.

Abstaining:

Argentina, Brazil, Burkina Faso, Senegal, the former Yugoslav Republic of Macedonia.

22. Statements in explanation of vote before the vote were made by the representatives of Canada (also on behalf of Australia, Iceland, Norway, New Zealand, San Marino and the United States of America), Belgium (on behalf of the States Members of the United Nations that are members of the European Union) and Israel, and statements in explanation of vote after the vote were made by the representatives of Chile and the Republic of Korea (see A/C.3/56/SR.47).

23. At the same meeting a statement was made by the representative of Cuba (see A/C.3/56/SR.47).

Recommendations of the Third Committee

24. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights,[2] article 7 of the International Covenant on Civil and Political Rights,[3] the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[4] and its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and all its subsequent relevant resolutions,

Recalling that freedom from torture is a right that must be protected under all circumstances, including in times of internal or international disturbance or armed conflict,

Recalling also that the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, firmly declared that efforts to eradicate torture should, first and foremost, be concentrated on prevention and called for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is intended to establish a preventive system of regular visits to places of detention,[5]

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[2] Resolution 217 A (III).

[3] See resolution 2200 A (XXI), annex.

[4] Resolution 3452 (XXX), annex.

[5] A/CONF.157/24 (Part I), chap. III, sect. II, para. 61.

Urging all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[6] in particular the section relating to freedom from torture, in which it is stated that States should abrogate legislation leading to impunity for those responsible for grave violations of human rights, such as torture, and prosecute such violations, thereby providing a firm basis for the rule of law,[7]

Recalling its resolution 36/151 of 16 December 1981, in which it noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture,

Recalling also the recommendation in the Vienna Declaration and Programme of Action that high priority should be given to providing the necessary resources to assist victims of torture and effective remedies for their physical, psychological and social rehabilitation, inter alia, through additional contributions to the Fund,[8]

Noting with satisfaction the existence of a considerable international network of centres for the rehabilitation of victims of torture, which plays an important role in providing assistance to victims of torture, and the collaboration of the Fund with the centres,

Commending the persistent efforts by non-governmental organizations to combat torture and to alleviate the suffering of victims of torture,

Mindful of its proclamation, in resolution 52/149 of 12 December 1997, of 26 June as the United Nations International Day in Support of Victims of Torture,

1. *Condemns* all forms of torture, including through intimidation, as described in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[9]

2. *Stresses* that all allegations of torture or other cruel, inhuman or degrading treatment or punishment should be promptly and impartially examined by the competent national authority, that those who encourage, order, tolerate or perpetrate acts of torture must be held responsible and severely punished, including the officials in charge of the place of detention at which the prohibited act is found to have taken place, and that national legal systems should ensure that the victims of such acts obtain redress, are awarded fair and adequate compensation and receive appropriate social and medical rehabilitation;

3. *Recalls* the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[10] and strongly encourages Governments to reflect upon the Principles as a useful tool in efforts to combat torture;

4. *Notes with appreciation* that one hundred and twenty-six States have become parties to the Convention;

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[6] Ibid., chap. III.

[7] Ibid., sect. II, paras. 54-61.

[8] Ibid., para. 59.

[9] Resolution 39/46, annex.

[10] Resolution 55/89, annex.

5. *Urges* all States that have not yet done so to become parties to the Convention as a matter of priority;

6. *Invites* all States ratifying or acceding to the Convention and those States that are parties to the Convention and have not yet done so to consider joining the States parties that have made the declarations provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20;

7. *Urges* all States parties to the Convention to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

8. *Urges* States parties to comply strictly with their obligations under the Convention, including, in view of the high number of reports not submitted, their obligation to submit reports in accordance with article 19, and invites States parties to incorporate a gender perspective and information concerning children and juveniles when submitting reports to the Committee against Torture;

9. *Emphasizes* the obligation of States parties under article 10 of the Convention to ensure education and training for personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;

10. *Stresses*, in this context, that States must not punish personnel referred to in paragraph 9 above for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

11. *Calls upon* all Governments to take appropriate effective legislative, administrative, judicial or other measures to prevent and prohibit the production, trade, export and use of equipment that is specifically designed to inflict torture or other cruel, inhuman or degrading treatment;

12. *Welcomes* the work of the Committee against Torture, and takes note of the report of the Committee,[11] submitted in accordance with article 24 of the Convention;

13. *Acknowledges* the number of reports and communications awaiting consideration by the Committee and, in this regard, decides to authorize the Committee to establish a pre-sessional working group composed of four of its members to meet for a five-day session during the week preceding each session of the Committee,[12] and invites the Committee to continue to enhance its methods of work;

14. *Calls upon* the United Nations High Commissioner for Human Rights, in conformity with her mandate established in General Assembly resolution 48/141 of 20 December 1993, to continue to provide, at the request of Governments, advisory services for the preparation of national reports to the Committee and for the prevention of torture, as well as technical assistance in the development, production and distribution of teaching material for these purposes;

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[11] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 44* (A/56/44).

[12] Ibid., para. 14.

15. *Urges* States parties to take fully into account the conclusions and recommendations made by the Committee after its consideration of their reports;

16. *Welcomes* the progress made by the intersessional open-ended working group of the Commission on Human Rights on the development of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and urges the working group to complete as soon as possible a final text for submission to the General Assembly, through the Economic and Social Council, for consideration and adoption;

17. *Takes note with appreciation* of the interim report of the Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment,[13] describing the overall trends and developments with regard to his mandate, and encourages the Special Rapporteur to continue to include in his recommendations proposals on the prevention and investigation of torture;

18. *Invites* the Special Rapporteur to continue to examine questions of torture and other cruel, inhuman or degrading treatment or punishment directed against women, and conditions conducive to such torture, and to make appropriate recommendations for the prevention and redress of gender-specific forms of torture, including rape or any other form of sexual violence, and to exchange views with the Special Rapporteur on violence against women, its causes and consequences, with the aim of enhancing further their effectiveness and mutual cooperation;

19. *Also invites* the Special Rapporteur to continue to consider questions relating to the torture of children and conditions conducive to such torture and other cruel, inhuman or degrading treatment or punishment and to make appropriate recommendations for the prevention of such torture;

20. *Calls upon* Governments to cooperate with and assist the Special Rapporteur in the performance of his or her task, to provide all necessary information requested by the Special Rapporteur, to respond appropriately and expeditiously to the urgent appeals of the Special Rapporteur and to give serious consideration to requests by the Special Rapporteur to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur in following up his or her recommendations;

21. *Reiterates* the need for the Special Rapporteur to be able to respond effectively, in particular to urgent appeals, to credible and reliable information that comes before him or her, and invites the Special Rapporteur to continue to seek the views and comments of all concerned, in particular Member States;

22. *Requests* the Special Rapporteur to continue to consider including in his or her reports information on the follow-up by Governments to his or her recommendations, visits and communications, including progress made and problems encountered;

23. Stresses the need for the continued regular exchange of views among the Committee, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the United Nations Crime Prevention and Criminal Justice

[13] A/56/156.

Programme, with a view to enhancing further their effectiveness and cooperation on issues relating to torture, inter alia, by improving their coordination;

24. *Expresses its gratitude and appreciation* to the Governments, organizations and individuals that have contributed to the United Nations Voluntary Fund for Victims of Torture;

25. *Stresses* the importance of the work of the Board of Trustees of the Fund, and appeals to all Governments and organizations to contribute annually to the Fund, preferably by 1 March prior to the annual meeting of the Board of Trustees, if possible with a substantial increase in the level of contributions, so that consideration may be given to the ever-increasing demand for assistance;

26. *Requests* the Secretary-General to transmit to all Governments the appeals of the General Assembly for contributions to the Fund and to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

27. *Also requests* the Secretary-General to assist the Board of Trustees of the Fund in its appeal for contributions and in its efforts to make better known the existence of the Fund and the financial means currently available to it, as well as in its assessment of the global need for international funding of rehabilitation services for victims of torture and, in this effort, to make use of all existing possibilities, including the preparation, production and dissemination of information materials;

28. *Further requests* the Secretary-General to ensure the provision of adequate staff and facilities for the bodies and mechanisms involved in combating torture and assisting victims of torture, commensurate with the strong support expressed by Member States for combating torture and assisting victims of torture;

29. *Invites* donor countries and recipient countries to consider including in their bilateral programmes and projects relating to the training of armed forces, security forces, prison and police personnel and health-care personnel matters relating to the protection of human rights and the prevention of torture, while bearing in mind a gender perspective;

30. *Calls upon* all Governments, the Office of the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture;

31. *Requests* the Secretary-General to submit to the Commission on Human Rights at its fifty-eighth session and to the General Assembly at its fifty-seventh session a report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and a report on the operations of the United Nations Voluntary Fund for the Victims of Torture;

32. *Decides* to consider at its fifty-seventh session the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture, the report of the Committee against Torture and the interim report of the Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment.

Draft resolution II
International Covenants on Human Rights

The General Assembly,

Recalling its resolutions 54/157 of 17 December 1999 and 55/90 of 4 December 2000 and Commission on Human Rights resolution 2000/67 of 27 April 2000,[14]

Mindful that the International Covenants on Human Rights[15] constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights,[16] form the core of the International Bill of Human Rights,

Taking note of the report of the Secretary-General[17] on the status of the International Covenant on Economic, Social and Cultural Rights,[18] the International Covenant on Civil and Political Rights[19] and the Optional Protocols to the International Covenant on Civil and Political Rights,[20]

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Recognizing the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in examining the progress made by States parties in fulfilling the obligations undertaken in the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights and in providing recommendations to States parties on their implementation,

Considering that the effective functioning of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights is indispensable for the full and effective implementation of the International Covenants on Human Rights,

Recognizing the importance of regional human rights instruments and monitoring mechanisms to complement the universal system of promotion and protection of human rights,

1. *Reaffirms* the importance of the International Covenants on Human Rights[15] as major components of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. *Welcomes* the initiative of the Secretary-General at the Millennium Assembly of the United Nations to invite heads of State and Governments to sign,

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[14] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* (E/2000/23), chap. II, sect. A.

[15] Resolution 2200 A (XXI), annex.

[16] Resolution 217 A (III).

[17] A/56/178.

[18] Resolution 2200 A (XXI), annex.

[19] Ibid.

[20] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

ratify or accede to the International Covenants on Human Rights, and expresses its appreciation to those States that have done so;

3. *Appeals strongly* to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as to accede to the Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration provided for in article 41 of the Covenant;

4. *Invites* the United Nations High Commissioner for Human Rights to intensify systematic efforts to encourage States to become parties to the International Covenants on Human Rights and, through the programme of advisory services in the field of human rights, to assist such States, at their request, in ratifying or acceding to the Covenants and to the Optional Protocols to the International Covenant on Civil and Political Rights with a view to achieving universal adherence;

5. *Emphasizes* the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

6. *Stresses* the importance of avoiding the erosion of human rights by derogation, and underlines the necessity of strict observance of the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights, bearing in mind the need for States parties to provide the fullest possible information during states of emergency so that the justification for the appropriateness of measures taken in those circumstances can be assessed, and in this regard notes General Comment No. 29[21] adopted by the Human Rights Committee;

7. *Encourages* States parties to consider limiting the extent of any reservations that they lodge to the International Covenants on Human Rights, to formulate any reservations as precisely and narrowly as possible and to ensure that no reservation is incompatible with the object and purpose of the relevant treaty;

8. *Also encourages* States parties to review regularly any reservations made in respect of the provisions of the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights with a view to withdrawing them;

9. *Takes note with appreciation* the annual reports of the Human Rights Committee submitted to the General Assembly at its fifty-fifth[22] and fifty-sixth sessions[23] and takes note of General Comments Nos. 27,[24] 28[25] and 29,[26] adopted by the Committee;

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[21] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 40* (A/56/40), annex VI.

[22] Ibid., *Fifty-fifth Session, Supplement No. 40* (A/55/40).

[23] Ibid., *Fifty-sixth Session, Supplement No. 40* (A/56/40).

[24] Ibid., *Fifty-fifth Session, Supplement No. 40* (A/55/40), vol. I, annex VI A.

[25] Ibid., vol. I, annex VI B.

[26] Ibid., *Fifty-sixth Session, Supplement No. 40* (A/56/40), vol. I, annex VI.

10. *Welcomes* the reports of the Committee on Economic, Social and Cultural Rights on its twentieth and twenty-first sessions[27] and on its twenty-second, twenty-third and twenty-fourth sessions[28] and takes note of General Comments Nos. 11,[29] 12,[30] 13[31] and 14[32] adopted by the Committee;

11. *Urges* States parties to fulfil in good time such reporting obligations under the International Covenants on Human Rights as may be requested and to make use in their reports of gender-disaggregated data, and stresses the importance of taking fully into account a gender perspective in the implementation of the International Covenants on Human Rights at the national level, including in the national reports of States parties and in the work of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

12. *Calls upon* States parties that have not yet submitted core documents[33] to the Office of the United Nations High Commissioner for Human Rights to do so, and invites all States parties regularly to review and update their core documents;

13. *Urges* States parties to take duly into account, in implementing the provisions of the International Covenants on Human Rights, the recommendations and observations made during the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights, as well as the views adopted by the Human Rights Committee under the first Optional Protocol to the International Covenant on Civil and Political Rights;

14. *Invites* States parties to give particular attention to the dissemination at the national level of their reports submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the summary records relating to the examination of those reports by the Committees and the recommendations and observations made by the Committees after the examination of those reports;

15. *Urges* all States to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many local languages as possible and to distribute them and make them known as widely as possible in their territories;

16. *Urges* each State party to translate, publish and make widely available in its territory by appropriate means the full text of the concluding observations on its reports to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

17. *Reiterates* that States parties should take into account in their nomination of members to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights that the Committee shall be composed of persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of participation of some persons having legal experience, and that members serve in their personal capacity, and further

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[27] *Official Records of the Economic and Social Council, 2000, Supplement No. 2* (E/2000/22).

[28] Ibid., *2001, Supplement No. 2* (E/2001/22).

[29] Ibid., *2000, Supplement No. 2* (E/2000/22), annex IV.

[30] Ibid., annex V.

[31] Ibid., annex VI.

[32] Ibid., *2001, Supplement No. 2* (E/2001/22), annex IV.

[33] See HRI/CORE/1 and addenda.

reiterates that, in the elections of the Committees, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems;

18. *Invites* the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, when considering the reports of States parties, to continue to identify specific needs that might be addressed by United Nations departments, funds and programmes and the specialized agencies, including through the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights;

19. *Stresses* the need for improved coordination among relevant United Nations mechanisms and bodies in supporting States parties, upon their request, in implementing the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, and encourages continued efforts in this direction;

20. *Takes note* of the adoption by the Human Rights Committee of its revised rules of procedure[34] and welcomes the efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights regularly to review their working methods in order to increase their efficiency and effectiveness;

21. *Welcomes* the meeting held between the Human Rights Committee and States parties[35] to exchange ideas on how to render the working methods of the Committee more efficient, expresses appreciation for the decision of the Committee to organize similar consultations in 2002 and encourages all States parties to continue to contribute to the dialogue with practical and concrete proposals and ideas on ways to improve the effective functioning of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

22. *Also welcomes* the continuing efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to strive for uniform standards in the implementation of the provisions of the International Covenants on Human Rights, and appeals to other bodies dealing with similar human rights questions to respect those uniform standards, as expressed in the general comments of the Committees;

23. *Stresses* the need for further efforts towards developing indicators and benchmarks to measure progress in the national implementation by States parties of the rights protected by the International Covenant on Economic, Social and Cultural Rights;

24. *Welcomes* Economic and Social Council decision 2001/220 of 4 June 2001, in which the Council authorized the appointment by the Commission on Human Rights of an independent expert to examine the question of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights, and invites the Committee on Economic, Social and Cultural Rights to consider contributing to the work of the independent expert;

25. *Encourages* the Secretary-General to continue to assist States parties to the International Covenants on Human Rights in the preparation of their reports,

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[34] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 40* (A/56/40), annex III B.

[35] Ibid., *Supplement No. 40* (A/56/40), paras. 25-27.

including by convening seminars or workshops at the national level for the training of governmental officials engaged in the preparation of such reports and by exploring other possibilities available under the programme of advisory services in the field of human rights;

26. *Requests* the Secretary-General to ensure that the Office of the United Nations High Commissioner for Human Rights effectively assists the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates, by providing, inter alia, adequate Secretariat staff resources and conference and other relevant support services;

27. *Decides* to endorse the request by the Human Rights Committee to hold an additional week of meetings at Geneva in 2002 in order further to reduce the existing backlog;[36]

28. *Welcomes* the initiative of the Secretary-General, taking into account the suggestions of the Human Rights Committee, to take determined steps, in particular through the Department of Public Information of the Secretariat, to give more publicity to the work of that Committee and, similarly, to the work of the Committee on Economic, Social and Cultural Rights;

29. *Requests* the Secretary-General to submit to the General Assembly at its fifty-eighth session, under the item entitled "Human rights questions", a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations.

Draft resolution III
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly,

Reaffirming once more the permanent validity of the principles and norms set forth in the basic instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights,[37] the International Covenants on Human Rights,[38] the International Convention on the Elimination of All Forms of Racial Discrimination,[39] the Convention on the Elimination of All Forms of Discrimination against Women[40] and the Convention on the Rights of the Child,[41]

Bearing in mind the principles and norms established within the framework of the International Labour Organization and the importance of the work done in connection with migrant workers and members of their families in other specialized agencies and in various organs of the United Nations,

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[36] Ibid., para. 47.
[37] Resolution 217 A (III).
[38] Resolution 2200 A (XXI), annex.
[39] Resolution 2106 A (XX), annex.
[40] Resolution 34/180, annex.
[41] Resolution 44/25, annex.

Reiterating that, despite the existence of an already established body of principles and norms, there is a need to make further efforts to improve the situation and to guarantee respect for the human rights and dignity of all migrant workers and members of their families,

Aware of the situation of migrant workers and members of their families and the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Considering that, in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[42] all States are urged to guarantee the protection of the human rights of all migrant workers and members of their families,

Underlining the importance of the creation and promotion of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia perpetrated in segments of many societies by individuals or groups against migrant workers,

Recalling its resolution 45/158 of 18 December 1990, by which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Bearing in mind that, in the Vienna Declaration and Programme of Action, States are invited to consider the possibility of signing and ratifying the Convention at the earliest possible time,

1. *Expresses its deep concern* at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman or degrading treatment directed against migrant workers in various parts of the world;

2. *Welcomes* the signature or ratification of or accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[43] by some Member States;

3. *Calls upon* all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, expresses the hope that it will enter into force at an early date, and notes that, pursuant to article 87 of the Convention, only four ratifications or accessions are needed for it to enter into force;

4. *Requests* the Secretary-General to provide all the facilities and assistance necessary for the promotion of the Convention through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;

5. *Welcomes* the global campaign for the entry into force of the Convention, and invites the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify further their efforts with a view to disseminating information on and promoting understanding of the importance of the Convention;

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[42] A/CONF.157/24 (Part I), chap. III.

[43] Resolution 45/158.

6. *Also welcomes* the work of the Special Rapporteur on the human rights of migrants in relation to the Convention, and encourages her to continue in this endeavour;

7. *Takes note* of the report of the Secretary-General,[44] and requests him to submit an updated report on the status of the Convention to the General Assembly at its fifty-seventh session;

8. *Decides* to consider the report of the Secretary-General at its fifty-seventh session under the sub-item entitled "Implementation of human rights instruments".

Draft resolution IV
Equitable geographical distribution of the membership of the human rights treaty bodies

The General Assembly,

Taking note of Commission on Human Rights resolution 2001/76 of 25 April 2001[45] and Economic and Social Council decision 2001/275 of 24 July 2001,

Reaffirming the importance of the goal of universal ratification of the United Nations human rights instruments,

Welcoming the significant increase in the number of ratifications of United Nations human rights instruments, which has especially contributed to their universality,

Reiterating the importance of the effective functioning of treaty bodies established pursuant to United Nations human rights instruments for the full and effective implementation of such instruments,

Recalling that, with regard to the election of the members of the human rights treaty bodies, the Commission on Human Rights has recognized the importance of giving consideration in their membership to equitable geographical distribution, gender balance and representation of the principal legal systems and of bearing in mind that the members shall be elected and serve in their personal capacity and shall be of high moral character, acknowledged impartiality and recognized competence in the field of human rights,

Recalling also that the Commission on Human Rights has encouraged States parties to United Nations human rights treaties, individually and through meetings of States parties, to consider how to give better effect, inter alia, to the principle of equitable geographical distribution in the membership of treaty bodies,

Expressing concern at the clear regional imbalance in the current composition of the membership of the human rights treaty bodies, with the exception of the Committee on Economic, Social and Cultural Rights, which is applying a quota system in the distribution of its seats by regional groups,

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[44] A/56/179.

[45] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

Noting in particular that the status quo tends to be particularly detrimental to the election of experts from some regional groups,

Convinced that the goal of equitable geographical distribution in the membership of human rights treaty bodies is perfectly compatible and can be fully realized and achieved in harmony with the need to ensure gender balance and the representation of the principal legal systems in those bodies and the high moral character, acknowledged impartiality and recognized competence in the field of human rights of their members,

1. *Encourages* States parties to the United Nations human rights instruments to establish quota distribution systems by geographical region for the election of the members of the treaty bodies;

2. *Calls upon* the States parties to the United Nations human rights instruments to include, as an agenda item at their forthcoming meetings, the establishment of equitable geographical distribution in the membership of the respective human rights treaty bodies, based on the recommendations of the Commission on Human Rights and the Economic and Social Council and the provisions of the present resolution;

3. *Recommends*, when establishing the quota for each geographical region in each treaty body, the introduction of flexible procedures that encompass the following criteria:

(a) Each of the five regional groups established by the General Assembly must be assigned a quota of the membership of each treaty body in equivalent proportion to the number of States parties to the instrument that it represents;

(b) There must be provision for periodic revisions that reflect the relative changes in the geographical distribution of States parties;

(c) Automatic periodic revisions should be envisaged in order to avoid amending the text of the instrument when the quotas are revised;

4. *Stresses* that the process needed to achieve the goal of equitable geographical distribution in the membership of human rights treaty bodies can contribute to raising awareness of the importance of gender balance, the representation of the principal legal systems and the principle that the members of the treaty bodies shall be elected and serve in their personal capacity and shall be of high moral character, acknowledged impartiality and recognized competence in the field of human rights.